

IN THE CLAIMS

Please cancel claim 45 without prejudice.

Please amend the claims as follows:

Sub K1

44. (twice amended) A method of diagnosing or evaluating human cancer in a patient comprising:

measuring the level of amplification in a tissue or tumor sample containing cells from said patient or increased expression of a MAC117 gene in a body sample from said patient, the presence of amplification or increased expression of said MAC117 gene indicating the presence of cancer or a cancer with a more malignant phenotype [caused by amplification or increased expression of said MAC117 gene].

46. (amended) The method according to claim 44, wherein said gene encodes the polypeptide encoded by the nucleic acid which comprises the following nucleotide sequence:
GTCTACATGGGTGCTTCCCATTCCAGGGGATGAGCTACCTGGAGGATGTGCGGCTCG
TACACAGGGACTTGGCCGCTCGGAACGTGCTGGTCAAGAGTCCCAACCATGTCAAAA
TTACAGACTTCGGGCTGGCTCGGCTGCTGGACATTGACGAGACAGAGTACCATGCAG
ATGGGGGCAAGGTTAGGTGAAGGACCAAGGAGCAGAGGAGGCTGGGTGGAGTGGTG
TCTAGCCCATGGGAGAACTCTGAGTGGCCACCTCCCCACAACACACAGTTGGAGGAC
TTCTCTTCTGCCCTCCCAGGTGCCCATCAAGTGGATGGCGCTGGAGTCCATTCTCCG

7 cont'd
CCGGCGGTTACCCACCAGAGTGATGTGTGGAGTTATGGTGTGTGATGGGGGGTGT
GGGAGGGGTGGGTGAGGAGCCATGG.

60. (amended) A method of diagnosing human cancer in a patient comprising:

(a) detecting amplification, rearrangement or [overexpression] increased expression of [the] a MAC117 gene in a tissue or tumor cell sample from said patient by hybridizing nucleic acid derived from a tissue or tumor cell sample of said patient with a nucleic acid probe of the MAC117 gene, the amplification, rearrangement or increased expression of said MAC117 gene indicating the presence of human cancer in said patient; or

(b) detecting abnormal expression of the protein product of the MAC117 gene by reacting a body sample of said patient with antibodies having specific binding affinity for at least a portion of [a MAC117 polypeptide] the protein product, the abnormal expression of said protein product of said MAC117 gene indicating the presence of human cancer in said patient.

Sub K2
61. (amended) A method of classifying cancers comprising:
[measuring the level of] detecting amplification or increased expression of a MAC117 gene in a body sample from a patient diagnosed with cancer, and classifying those cancers from patients whose body samples show [having] amplification or increased expression of said MAC117 as being correlated with [caused by the] amplification or increased expression of the MAC117 gene.